FILED
BRYAN MUNICIPAL COURT
Nov 21, 2025 - 01:09:54 PM

IN THE BRYAN MUNICIPAL COURT
WILLIAMS COUNTY, OHIO

State of Ohio : Case No. CRB2400102
v. :
Jeremy Lee Shepherd : Judge Kent L. North

MOTION TO VACATE JUDGMENT AND REQUEST FOR IMMEDIATE DISMISSAL DUE TO STRUCTURAL AND CONSTITUTIONAL DEFECTS

Now comes the Defendant, Jeremy Lee Shepherd, pro se, and respectfully moves this Honorable Court to vacate the judgment of conviction in this matter pursuant to its inherent authority to correct manifest injustice and protect constitutional guarantees. This motion is based on numerous legal, procedural, and constitutional defects that render the judgment void, unreliable, or obtained in violation of due process and effective representation.

The following grounds support this request:

I. IMPROPERLY FILED COMPLAINT AND VOID COMMENCEMENT

1. The complaint was signed by Lisa Nye, whose role and legal authority are in dispute. While she signed as Deputy Clerk of Court, records and her own correspondence confirm she has been employed continuously by the Williams County Sheriff's Department from at least 2013 onward.

2. Nye's prior 2008 oath as a sheriff's deputy was voided by a 2013 oath as Deputy Clerk. No updated oath or legal delegation reinstating her law enforcement authority was filed prior to the 2024 complaint. Therefore, her dual roles present a conflict of interest and invalidate her authority to initiate criminal complaints.

3. The complaint was filed without lawful prosecutorial review, supporting documentation, or witness statements, constituting a facially void initiation of prosecution.

II. TIMING IRREGULARITIES, SELECTIVE ENFORCEMENT, AND DUE PROCESS VIOLATIONS

4. Misclassification of Alleged Offense Raises Jurisdictional Questions

The original complaint described conduct that, by content and implication, involved a minor and contained allegations of a sexual nature. Under Ohio Revised Code, such offenses typically fall under felony jurisdiction and would be expected to proceed through Grand Jury indictment and

Common Pleas Court review. However, this case was instead filed in Bryan Municipal Court as a misdemeanor, without formal explanation.

This raises substantial concerns regarding prosecutorial discretion, jurisdictional manipulation, and possible suppression of a felony-grade offense. The filing of a case involving potentially serious allegations in a limited-jurisdiction court — absent felony indictment or evidentiary hearing — undermines public trust and judicial transparency. This action deprived the Defendant of the appropriate forum and procedures that such an allegation would normally entail.

5. Unexplained Delay Between Alleged Incident and Filing of Complaint

The alleged incident reportedly occurred on January 31, 2024. However, the criminal complaint was not signed until February 26, 2024, and was not officially filed with the court until March 4, 2024. No explanation has been provided for this significant delay, and the docket reflects no indication that any investigation or sworn law enforcement verification occurred during this time.

Such an unaccounted-for gap between the alleged incident and formal action raises serious due process concerns. In criminal matters, prompt investigation and timely filing are foundational to the legitimacy of prosecution. The lack of investigative record or prosecutorial review prior to filing—paired with administrative silence regarding the delay—reflects procedural breakdowns and undermines the integrity of the charging process. These irregularities weigh in favor of vacatur.

6. Selective Child Removal Undermines Threat Assessment

Law enforcement engaged directly with Jeremy Lee Shepherd during the January 31, 2024 incident. Despite allegedly receiving a fresh accusation of misconduct involving a minor, authorities removed only the stepchildren from the home — while knowingly leaving the Defendant's biological minor son in his custody.

This action defies standard protocol for emergency child protection. It exposes a critical contradiction in the response: either the accusation was not believed to pose a credible threat at the time, or the agencies involved failed to act with due diligence. In either case, the response undermines the legitimacy of the complaint and raises serious concerns about selective enforcement and retaliatory motivation.

If Jeremy had truly been perceived as a danger, the decision to leave one child behind while removing others becomes not only illogical, but potentially negligent — and serves as evidence of the arbitrary and inconsistent manner in which this case originated.

7. A Temporary Protection Order (TPO) was issued and faxed to the Edon Police Department on March 6, 2024 — a full week before the Defendant's scheduled arraignment on March 13, 2024. This premature dissemination of a legally binding order to law enforcement occurred prior to Mr. Shepherd being advised of the charges, afforded the opportunity to appear, or granted

any forum to contest the allegations. Such action constitutes a violation of due process and creates the appearance of a pre-judged outcome, undermining the presumption of innocence and further eroding the legitimacy of the proceedings. The court's actions imposed legal consequences before any adversarial hearing had taken place.

8. A copy of the same TPO was mailed to the alleged victim and returned as "undeliverable," suggesting that the court failed to verify the recipient's contact information before initiating judicial orders on their behalf. This breakdown in verification raises serious concerns regarding the authenticity, origin, and procedural basis of the complaint. The court's issuance of a protection order without confirmed involvement or proper service of the complaining party further calls into question the legitimacy of the protective action, and may indicate administrative misconduct or systemic failure to follow required legal safeguards.

9. Arraignment Date Manipulation and Procedural Irregularities

The arraignment was originally scheduled for March 21, 2024, then abruptly moved up to March 13, 2024, without explanation or formal notice on the docket. This change limited Mr. Shepherd's time to prepare, review charges, and secure adequate legal support.

Notably, the arraignment was rescheduled to a Wednesday—March 13, 2024—despite court staff allegedly informing Mr. Shepherd at the time that arraignments are not typically held on Wednesdays. According to their statement, arraignments are normally conducted on Thursdays. This deviation from routine scheduling further suggests irregular handling of the case and may indicate intentional obstruction or manipulation, especially given the absence of any docketed reason for the change.

Such practices violate the fundamental right to due process and fair notice under the Ohio Rules of Criminal Procedure and the U.S. Constitution, compromising both the integrity and lawfulness of the proceedings.

III. PROSECUTORIAL MISCONDUCT AND PREMATURE ACTION

10. Prosecutor James F. Duranczyk filed a discovery packet prior to Mr. Shepherd's arraignment, indicating that the prosecution process was prematurely initiated without proper judicial oversight or formal service. This procedural leap undermined Mr. Shepherd's right to review, respond to charges, and secure adequate representation prior to the State initiating adversarial proceedings.

11. Included in the undisclosed discovery was a law enforcement narrative that was never entered into the docket. This statement was never subjected to cross-examination, evidentiary hearing, or adversarial challenge, despite containing factual inconsistencies. Its off-the-record existence circumvents both the defendant's confrontation rights and the transparency expected

in criminal proceedings. The prosecution's reliance on such undocumented material reflects a disregard for due process and raises significant ethical concerns.

IV. CONFLICTED AND INEFFECTIVE LEGAL COUNSEL

12. Defense counsel failed to provide constitutionally adequate representation in several critical areas, including:
- Failing to file motions to suppress, dismiss, or otherwise challenge a defective complaint;
- Failing to investigate or subpoena dispatch records that could contradict or discredit law enforcement claims;
- Failing to request or advocate for ADA accommodations, despite Mr. Shepherd's documented disability and SSDI status;
- Failing to challenge demonstrably false or misleading law enforcement statements that formed the basis of the prosecution.

These omissions meet the **Strickland test**: the performance was deficient, and the outcome was materially impacted, resulting in prejudice to the defendant.

13. Kylee Towne was assigned as defense counsel while actively tied to Williams County Job and Family Services (JFS), including serving as the attorney for the dependency docket and her appointment as Director of JFS in October 2024.

14. Ms. Towne referred to the accuser as "the victim" from her first interaction with Mr. Shepherd, refused the submission of defense evidence, and repeatedly threatened that he would lose his home, children, and disability benefits if he fought and went to trial.

15. Defense counsel warned Mr. Shepherd that copying or discussing the contents of his discovery packet — which included references to a minor — could result in immediate incarceration. No protective order, court order, or written restriction was provided to justify this warning. This threat effectively suppressed his ability to review case materials, seek guidance, or obtain outside legal input. Such a restriction on discovery access undermines the Sixth Amendment right to prepare a defense and constitutes coercive legal intimidation. Without due process or legal authority, this warning functioned more as a tool of control than a legitimate legal safeguard.

16. Coercive Plea Pressuring to Avoid Trial Exposure – Defense counsel strongly urged Mr. Shepherd to accept a plea agreement despite his repeated request for a jury trial. This pressure included threats that he would lose his home, children, and disability benefits, and be incarcerated immediately if he pursued trial. Given the lack of supporting evidence, the improper complaint, and the procedural irregularities throughout, this plea push appears designed to prevent public scrutiny of the case. A jury trial would have required transparency, evidence presentation, and testimony under oath — all of which the record shows the prosecution and

defense sought to avoid. Such coercion, in a context of systemic conflict of interest, nullifies the voluntariness of the plea and constitutes manifest injustice.

V. ACCESS TO JUSTICE AND PATTERN OF RETALIATION

17. Attempted Denial of Jury Trial and Improper Trial Scheduling

Initially, the Court scheduled this matter for a bench trial without offering Defendant the opportunity to elect a jury trial. Only after Mr. Shepherd objected — expressing concern over fairness and impartiality — was the case re-designated for a jury trial. Even then, the reclassification was handled reluctantly by defense counsel, who failed to ensure the Defendant's trial rights were clearly secured and preserved on the record.

This deliberate or negligent obstruction of the Defendant's right to a jury trial — especially in a case involving reputational harm and potentially lifelong stigma — constitutes structural error. It further reflects the defense counsel's indifference to constitutional safeguards and supports the claim of ineffective assistance.

18. Mr. Shepherd disclosed on March 13, 2024, via financial affidavit, that he was receiving Social Security Disability (SSDI). This should have triggered ADA safeguards, which the Court failed to initiate or document.

19. In February 2025, a vehicle registration block was placed due to a missed payment. The court attempted notification using outdated contact information, despite having his correct number. This action violated recent state restrictions and caused undue hardship.

20. Mr. Shepherd was charged for a jury trial that never occurred, yet billed as though it had. This constitutes improper billing and may rise to the level of financial fraud by the court. It reflects not only administrative mismanagement but also potential systemic exploitation. The financial pressure it caused—along with loss of income from gig work directly tied to the pending charges—pushed Mr. Shepherd into economic freefall. This directly contributed to the foreclosure of his long-term residence after maintaining housing stability for over ten years.

21. Following protected ADA-related activity and efforts to obtain full and accurate case records, the Defendant experienced increasing hostility from court administrative staff. This includes unexplained delays in processing filings, inconsistent treatment of submissions, and an apparent refusal to acknowledge or apply federal disability protections. These actions collectively reflect a pattern of obstruction and retaliation, rather than good faith engagement with ADA compliance.

VI. Judicial Misconduct

22. Judge Kent L. North acknowledged Lisa Nye's 2013 oath of office confirming her appointment as Clerk of Court, and later accepted her 2024 criminal complaint against Mr. Shepherd, filed under the authority of the sheriff, despite no law enforcement involvement. This introduces an inherent conflict of interest and undermines impartiality.

23. Lisa Nye, who submitted the 2024 criminal complaint against Mr. Shepherd, publicly represents herself as a current employee of the Williams County Sheriff's Department. In official email communications, she uses a Sheriff's Department signature block, despite filing the complaint under the authority of the Clerk of Court. This dual representation — filing as Clerk while actively affiliated with law enforcement — introduces a serious jurisdictional conflict. It calls into question the neutrality of the complaint, violates the separation of prosecutorial and judicial functions, and undermines the foundational integrity of the case.

24. The Judge took no action to disqualify Kylee Towne as appointed counsel, despite her simultaneous roles with the Dependency Docket, Court Appointed Counsel program, and subsequent appointment as Director of JFS — the agency with systemic interest in the case outcomes.

25. No motions or substantive filings appear on the record from defense counsel throughout the case, suggesting ineffective representation and a breakdown of adversarial process. Despite this, the Judge proceeded to trial and sentencing without addressing these procedural gaps.

26. The court failed to intervene or investigate the apparent absence of formal ADA safeguards, the improper basis of the complaint, or the administrative conflicts surrounding the Clerk's dual role.

27. The Judge's acceptance of a structurally compromised case, failure to ensure independent counsel, and tolerance of procedural irregularities reflects a dereliction of judicial duty and warrants further review.

VI. LEGAL STANDARD AND MANIFEST INJUSTICE

This Court retains the inherent authority to vacate convictions obtained through structural error, conflict of interest, due process violations, and ineffective assistance of counsel. These errors independently and collectively violate:

- United States Constitution, Amendments V, VI, and XIV
- Ohio Constitution, Article I, Sections 10 and 16
- Ohio Criminal Rules of Procedure
- Americans with Disabilities Act, Title II
- Ohio Supreme Court Rules of Superintendence, Rule 45(E)

Relevant case law includes:

- State v. Bush, 96 Ohio St.3d 235 (2002)
- State v. Gwen, 134 Ohio St.3d 284 (2012)
- United States v. Cronic, 466 U.S. 648 (1984)

VII. REQUEST FOR RELIEF

WHEREFORE, Defendant respectfully requests this Court:

1. VACATE the judgment of conviction in Case No. CRB2400102;

2. DISMISS the charges with prejudice due to improper filing and systemic violations;

3. SEAL all records associated with this case under R.C. 2953.32;

4. HALT all hearings, enforcement actions, or penalties until independent oversight is complete.

Respectfully submitted,

/s/ Jeremy Lee Shepherd
Jeremy Lee Shepherd
Email: jeremyshepherd07@outlook.com
[Address Withheld – Homeless]
Date: November 19th, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion to Vacate was served via email upon:

James F. Duranczyk
City Prosecutor
c/o pnickolite@cityofbryan.com
Date: November 19th, 2025

/s/ Jeremy Lee Shepherd